

Senate File 123 - Introduced

SENATE FILE 123

BY CHELGREN

A BILL FOR

1 An Act relating to the enforcement of traffic laws, including
2 authorizing peace officers employed by the department of
3 transportation to make arrests for certain violations,
4 prohibiting the use of automated or remote traffic law
5 enforcement systems, and requiring the removal of existing
6 systems, and including effective date provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80.22, Code 2017, is amended to read as
2 follows:

3 **80.22 Prohibition on other departments.**

4 ~~All~~ Except as provided in sections 321.476 and 321.477,
5 all other departments and bureaus of the state are ~~hereby~~
6 prohibited from employing special peace officers or conferring
7 upon regular employees any police powers to enforce provisions
8 of the statutes which are specifically reserved by 1939 Iowa
9 Acts, ch. 120, to the department of public safety. ~~But~~
10 However, the commissioner of public safety shall, upon the
11 requisition of the attorney general, from time to time assign
12 for service in the department of justice such of its officers,
13 not to exceed six in number, as may be requisitioned by the
14 attorney general for special service in the department of
15 justice, and when so assigned such officers shall be under the
16 exclusive direction and control of the attorney general.

17 Sec. 2. Section 321.477, Code 2017, is amended to read as
18 follows:

19 **321.477 Employees as peace officers — maximum age.**

20 1. The department may designate by resolution certain of
21 its employees upon each of whom there is ~~hereby~~ conferred the
22 authority of a peace officer to control and direct traffic and
23 weigh vehicles, and to make arrests for violations of the motor
24 vehicle laws relating to the operation of motor vehicles on the
25 highways of this state, the operating authority, registration,
26 size, weight, and load of motor vehicles and trailers, and the
27 registration of a motor carrier's interstate transportation
28 service with the department.

29 2. The maximum age for a person employed as a peace officer
30 pursuant to this section is sixty-five years of age.

31 Sec. 3. Section 321.492B, Code 2017, is amended to read as
32 follows:

33 **321.492B Use of ~~unmanned aerial vehicle~~ automated or remote**
34 **systems for traffic law enforcement prohibited.**

35 The state or a political subdivision of the state shall not

~~1 use an unmanned aerial vehicle place or cause to be placed on~~
~~2 or adjacent to a highway, or maintain or employ the use of,~~
~~3 any automated or remote system for traffic law enforcement~~
~~4 including but not limited to an unmanned aerial vehicle and any~~
~~5 device with one or more sensors working in conjunction with a~~
~~6 traffic-control signal or device, signal light, speed measuring~~
~~7 device, or parking meter device.~~

8 Sec. 4. REMOVAL OF AUTOMATED OR REMOTE TRAFFIC LAW
9 ENFORCEMENT SYSTEMS — VALIDITY OF PRIOR NOTICES AND
10 CITATIONS. On or before July 1, 2017, a local authority using
11 an automated or remote traffic law enforcement system shall
12 discontinue using the system and remove the system equipment.
13 Effective July 1, 2017, all local ordinances authorizing the
14 use of automated or remote traffic law enforcement systems are
15 void. However, any notice of violation mailed or any citation
16 issued pursuant to such an ordinance prior to July 1, 2017,
17 shall not be invalidated by the enactment of this Act and shall
18 be processed according to the provisions of the law under which
19 it was authorized.

20 Sec. 5. EFFECTIVE UPON ENACTMENT. The section of this
21 Act relating to the removal of automated or remote traffic
22 law enforcement systems and the validity of prior notices and
23 citations, being deemed of immediate importance, takes effect
24 upon enactment.

EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 Under current law, departments and bureaus of the state,
29 other than the department of public safety (DPS), are
30 prohibited from employing special peace officers or conferring
31 upon regular employees any police powers to enforce laws which
32 are specifically reserved to DPS, including those laws related
33 to traffic on the public highways of the state. However,
34 certain employees of the department of transportation (DOT)
35 may be designated as peace officers authorized to control

1 and direct traffic and weigh vehicles, and to make arrests
2 for violations of the motor vehicle laws relating to the
3 operating authority, registration, size, weight, and load of
4 motor vehicles and trailers, and the registration of a motor
5 carrier's interstate transportation service with the DOT.

6 This bill authorizes peace officers employed by the DOT to
7 make arrests for violations of the motor vehicle laws relating
8 to the operation of motor vehicles on the highways of the
9 state.

10 The bill also imposes a statewide prohibition on the
11 placement and use of automated or remote traffic law
12 enforcement systems including but not limited to unmanned
13 aerial vehicles and any devices with one or more sensors
14 working in conjunction with a traffic-control signal or device,
15 signal light, speed measuring device, or parking meter device.
16 This provision of the bill takes effect July 1, 2017.

17 Local authorities that are currently using automated or
18 remote traffic law enforcement systems must discontinue their
19 use and remove related equipment on or before July 1, 2017.
20 On that date, all local ordinances authorizing the use of
21 automated or remote traffic law enforcement systems are void.
22 However, notices of violations mailed or citations issued prior
23 to July 1, 2017, are not invalidated by the bill and remain
24 enforceable. These provisions of the bill take effect upon
25 enactment.